

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CHARLES E. THORNTON,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 3:17-CV-761-DRH-RJD
)	
JACQUELINE LASHBROOK, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

DALY, Magistrate Judge:

Before the Court is Plaintiff's Fourth Motion for Leave to File an Amended Complaint (Doc. 124). Defendants did not file a Response to Plaintiff's Motion. Plaintiff Charles E. Thornton is an inmate in the custody of the Illinois Department of Corrections at Menard Correctional Center. On July 20, 2017, Plaintiff commenced this action pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights. On May 10, 2018, Plaintiff was allowed to file a Third Amended Complaint proceeding on the following counts:

- Count 1 -** Eighth Amendment deliberate indifference to medical needs claim against Nurse Walls, Doctor Trost, Lee Gregson, Juanita House, Reva Engelage, Shelby Dunn, Cassandra Norton, Martha Oakley, Tara Chadderton, and Warden Lashbrook for refusing to provide Plaintiff's prescription medication (Neurontin) from March 7-29, 2017.

- Count 2 -** Wexford Health Sources had an unconstitutional policy or custom that prevented Plaintiff from receiving his prescription refill for Neurontin from March 7-29, 2017, in violation of the Eighth Amendment.

Plaintiff seeks to file an amended complaint to make the following revisions: (1) exclude the phrase "on information and belief" in naming the defendants, (2) add one case to the list of previous lawsuits, (3) make grammatical corrections, and (4) include a "Declaration of Verification."

Federal Rule of Civil Procedure 15(a) states, “a party may amend the party’s pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires.” “Reasons for finding that leave should not be granted include undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, [and] futility of amendment.” *Airborne Beepers & Video, Inc. v. AT & T Mobility LLC*, 499 F.3d 663, 666 (7th Cir. 2007).

Plaintiff seeks to add a Declaration of Verification to his Complaint. Plaintiff will be granted leave to file his proposed Complaint to include the Declaration. Plaintiff’s proposed revisions, however, do not change the substance of Plaintiff’s Third Amended Complaint. Plaintiff’s grammatical changes and excluding the phrase “on information and belief” are not necessary and do not change the substance. Additionally, Plaintiff seeks to add one case, (17-cv-1296 filed in the Southern District of Illinois) to the list of previously filed lawsuits listed in his Third Amended Complaint. The addition of 17-cv-1296 is not necessary as that case was filed four months after this case. Because, Plaintiff’s revisions do not change the substance of his Third Amended Complaint, Defendants may, but are not required to, file an Answer to Plaintiff’s Fourth Amended Complaint.

CONCLUSION

For the foregoing reasons, Plaintiff’s Motion for Leave to File a Fourth Amended Complaint (Doc. 124) is **GRANTED**. The Clerk of Court is **DIRECTED** to file Plaintiff’s proposed revised Amended Complaint as submitted on July 26, 2018 as the Fourth Amended Complaint. Defendants may, but are not required to, file an Answer to Plaintiff’s Fourth Amended Complaint.

IT IS SO ORDERED.

DATED: August 14, 2018

s/ Reona J. Daly

Hon. Reona J. Daly
United States Magistrate Judge